

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSHILA PATEL,

Petitioner,

v.

ERIC HOLDER, Attorney General of the
United States, et al.,

Respondents.

NO. C13-1352-JLR-JPD

REPORT AND
RECOMMENDATION

On July 31, 2013, petitioner Sushila Patel, proceeding through counsel, filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, in which she challenged the lawfulness of her detention by the U.S. Immigration and Customs Enforcement (“ICE”). Dkt. 1. The petition sought an order from this Court directing respondents to provide petitioner with an individualized bond hearing before an Immigration Judge. *Id.* at 8. On September 6, 2013, respondents filed a return memorandum and motion to dismiss, asserting that petitioner was lawfully detained awaiting a determination on whether she was to be removed from the United States. Dkt. 9. Petitioner filed a response in opposition to respondents’ motion to dismiss on September 20, 2013. Dkt. 11.


On October 3, 2013, the parties jointly moved to hold this case in abeyance. Dkt. 12. The parties stated that on September 30, 2013, the Department of Homeland Security (“DHS”)

1 submitted an unopposed motion for a bond hearing with the immigration court. Dkt. 12 at 1.
2 The immigration judge granted DHS's motion and was in the process of setting a date for the
3 bond hearing. The parties agreed that, in light of the pending bond hearing, good cause existed
4 for this case to be held in abeyance. *Id.* Therefore, the parties requested that this action be
5 held in abeyance until November 1, 2013, to allow the above-described events to occur. The
6 Court subsequently granted the parties' motion to hold the case in abeyance until November 1,
7 2013. Dkt. 13.

8 On November 1, 2013, the parties filed a stipulated motion for order of dismissal. Dkt.
9 15. The parties agree that this action is now moot and may be dismissed without prejudice.

10 Pursuant to the stipulation and agreement of the parties, the undersigned recommends
11 that this matter be dismissed without prejudice and without award of costs or fees to either
12 party. A proposed order accompanies this Report and Recommendation.

13 DATED this 13th day of November, 2013.

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15 JAMES P. DONOHUE
16 United States Magistrate Judge
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